
How to Read a Draft EIR

Coyote Valley Specific Plan Task Force
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Purpose of an EIR

- Inform decision makers and the public about the proposed project's potential, significant environmental effects
 - Identify ways to avoid or significantly reduce environmental damage
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Purpose of an EIR 2

- Prevent significant, avoidable environmental damage by requiring changes in the project through use of alternatives or mitigation measures when the changes are feasible
 - Disclose to the public the reasons why the project was approved in the manner chosen, if significant environmental effects are involved
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Significant Effect

- A significant effect on the environment is defined as a **substantial** adverse change in the **physical** conditions which exist in the area affected by the proposed project.
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Purpose of an EIR

- For use by the City to analyze the significant environmental effects of a proposed project, identify alternatives, and disclose possible ways to reduce or avoid the possible environmental damage
 - Identify significant effects & if project is approved, City must make findings on whether they have been substantially reduced, or if not, why not
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EIR Purpose 2

- To demonstrate that environment is being considered and protected
 - To inform about decision consequences, not to generate paper
 - Provide adequate, complete and good faith effort, does not require technical perfection
 - To facilitate project decisions that are informed and balanced
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Methods for Protecting the Environment

- EIR does not itself control the way in which a project can be built or carried out
 - Change the proposed project
 - Impose conditions on project approval
 - Choose an alternative way to do the project
 - Disapprove project
 - Can find that some project changes are not feasible
 - Can find that unavoidable, significant environmental damage is acceptable (Statement of Overriding Consideration)
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Questions regarding purpose?

EIR PROCESS

- ✓ Notice of Preparation
 - ✓ (Scoping meetings) (optional)
 - ✓ Early public consultation
 - ✓ Consultation with water agencies
 - Preparing Draft EIR
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EIR PROCESS 2

- Circulation of DEIR for public review and comment (45 vs. 60 days)
 - Noticing requirements
 - Distribution
 - Evaluation of and response to comments
 - (Recirculation?)
 - Distribution of Response to Comments
 - Prepare Final EIR
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EIR PROCESS 3

- Certification of FEIR (public hearings)
 - Planning Commission makes findings (2 hearings?)
 - (Certification appeal to City Council)
 - CVSP public hearings
 - Planning Commission
 - City Council, Approval = Findings (Statement of Overriding Considerations)
 - Notice of Determination
 - (Litigation?)
 - Mitigation monitoring and reporting
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Questions about process?

EIR as Informational Document

- City required to consider information in the EIR when making a decision about a project
 - EIR does not control City's discretion on project action, but City must make findings regarding each significant effect identified, and adopt a statement of overriding consideration, if necessary
 - EIR may constitute substantial evidence in the record if challenged in court
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EIR Required Contents

- Table of Contents
 - Summary
 - Project description
 - Location on maps
 - Statement of objectives, underlying purpose
 - General description of characteristics
 - Intended uses of EIR
 - Physical environmental setting
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EIR Contents 2

- Consideration & discussion of:
 - Environmental Impacts
 - Significant environmental impacts
 - Mitigation measures proposed to minimize significant effects
 - Alternatives to the proposed project
 - Effects not found to be significant
 - Organizations & persons consulted
 - Discussion of cumulative impacts
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Final EIR

- Draft EIR (or revision of draft) +
 - Comments & recommendations received +
 - List of persons, organizations and public + agencies commenting on DEIR
 - Responses to significant comments +
 - Any other information added by City
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Economic & Social Effects

- “Shall not” be treated as significant effects on the environment – focus on physical
 - May trace chain of cause & effect from anticipated E & S changes to physical changes caused by E & S changes
 - May be used to determine the significance of physical changes caused by project
 - Considered in feasibility of project changes
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List of CVSP EIR Impact Areas

- Land use
 - Transportation
 - Air quality
 - Noise
 - Hydrology
 - Geology and soils
 - Biological resources
 - Cultural resources
 - Hazardous materials
 - Visual & aesthetic
 - Utilities
 - Public services & facilities
 - Energy
 - Climate change
 - Water supply
 - Cumulative
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Questions about content?

EIR Review Considerations

- Interdisciplinary scientific approach
 - Technical data written in plain language
 - Emphasis on significant environmental effects resulting from project
 - Expect some degree of forecasting (best effort)
 - Not speculative
 - Degree of specificity equal to project
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EIR Adequacy Standards

- Sufficient degree of analysis to provide decision makers information to make an intelligent decision considering environmental consequences of the project
 - Evaluation need not be exhaustive or perfect
 - What is reasonably feasible?
 - Disagreement among experts does not make EIR inadequate
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EIR Focus of Review

- Is document sufficient in analyzing the possible impacts on the environment and ways in which significant project effects might be avoided or mitigated?
 - Most helpful comments suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate significant effects
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EIR Focus of Review 2

- EIR adequacy is determined in terms of what is reasonably feasible in light of various factors (magnitude, severity, geographic scope)
 - Not required to conduct every test or perform all research, study, & experimentation recommended/demanded
 - Persons or agencies commenting should explain basis of comments & provide substantial evidence (factual)
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EIR Review Comments

- Comments must be timely for City to prepare written response on significant issues raised
 - City not required to respond to late comments
 - Comments can also be provided at community meetings and public hearings
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Questions about how to
review?
